

Butler, David

252276

From: Butler, David
Sent: Tuesday, September 02, 2014 11:55 AM
To: 'Marty McNinch'
Cc: Shafeek-Horton, Timika; Franklin, Brian L; Bateman, Andrew; Hudson, Shannon; Yarbrough, Barbara G; Easterling, Deborah
Subject: RE: Hearing Examiner Directive - Holding Testimony Dates in Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No. 2014-302-E.doc

Ms. McNinch:

Considering your last e-mail, I feel that I have no choice but to set new pre-filing of testimony and exhibit dates for the Company and ORS, a new rebuttal testimony and exhibits pre-filing date for you, and a new hearing date. I will do all this by a new Hearing Examiner's Directive, which I will issue shortly. However, please be advised that the Commission's holding the dismissal of your matter in abeyance should not be construed as communicating any opinion on the merits of your case. The Commission and I, the Hearing Examiner, remain impartial in this matter until such time as a hearing is held, or until the matter is disposed of procedurally.

Thanks,
David Butler
Hearing Examiner

-----Original Message-----

From: Marty McNinch [mailto:mmcninch1@gmail.com]
Sent: Tuesday, September 02, 2014 11:27 AM
To: Butler, David
Cc: Shafeek-Horton, Timika; Franklin, Brian L; Bateman, Andrew; Hudson, Shannon; Yarbrough, Barbara G; Easterling, Deborah
Subject: Re: Hearing Examiner Directive - Holding Testimony Dates in Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No. 2014-302-E.doc

Dear Mr. Butler,

I am requesting a new hearing date. It is evident that the commission understood that we were done wrong. Therefore it was held in abeyance.

Afterward I was thinking how wrong this is. We should not even be expected to pay for their mistake.

Now I am asking that Duke Energy be responsible for the entire outstanding debt. We were placed on EPP without our consent. There is no recorded verbal contract or a written signed contract. We did not request to be put on it. I disputed this with Ms Yarbrough over the phone. She made me so angry on the phone, my husband had to take the phone away from me because I was trembling all over. I am disabled with lots of medical problems due to brittle diabetes and a heart attack. All can be documented by my physicians. Ms Yarbrough has been treating us terrible demanding this and that causing great stress on me and my family. This has been the worst 3 months of my life. I have lost weight which my main physician is very concerned with. He will help us all he can. Everyone knowing our battle with DE can't believe how we have been done. Over the phone, Ms Yarbrough said that you have to request to be put on EPP. I didn't even know of an EPP until we found out we were in debt over about \$1800.00!

I am now asking for a new hearing and that Duke Energy be responsible for the outstanding debt.

Sincerely,

Sheryl McNinch
Marty McNinch

On 9/2/14, Butler, David <David.Butler@psc.sc.gov> wrote:

> Timika:

> Yes, she did, but the Commission has never ruled on the request, which
> it has to do under S.C. Code Ann. Section 58-3-225 (E) (Supp. 2013).
> Therefore, the complaint is still open. Any party may certainly comment on the matter.
> Thanks,
> David Butler
> Hearing Examiner

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> From: Shafeek-Horton, Timika
> [mailto:Timika.Shafeek-Horton@duke-energy.com]
> Sent: Tuesday, September 02, 2014 10:24 AM
> To: Butler, David; mmcnych1@gmail.com; Franklin, Brian L; Bateman,
> Andrew; Hudson, Shannon
> Cc: Yarbrough, Barbara G
> Subject: RE: Hearing Examiner Directive - Holding Testimony Dates in
> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.
> 2014-302-E.doc
>
> David,
>
> I believe Ms. McNinch sought to have her complaint withdrawn. I'm
> following up to see where we are on the matter and whether the
> Commission needs to hear from Duke on anything.
>
> Thank you.
>
> Timika Shafeek-Horton
> Deputy General Counsel
> Duke Energy Corporation
> 550 South Church Street, DEC 45A
> Charlotte, NC 28201
> Office: 704-382-6373
> Fax: 980-373-8534
> timika.shafeek-horton@duke-energy.com<mailto:timika.shafeek-horton@duke-energy.com>.
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> notify the sender immediately by e-mail and delete all copies of the message.
>
> From: David.Butler [mailto:David.Butler@psc.sc.gov]
> Sent: Friday, August 01, 2014 12:13 PM

> To: mmcnych1@gmail.com<mailto:mmcnych1@gmail.com>; Franklin, Brian
> L; PSC_Clerk's Office Distribution Group;
> PSC_Directive-Order-Hearing-Distribution-List; Jo.Wheat;
> Shafeek-Horton, Timika; Bateman, Andrew; Hudson, Shannon
> Cc: Yarbrough, Barbara G
> Subject: Hearing Examiner Directive - Holding Testimony Dates in
> Abeyance and Cancelling Hearing- McNinch v. Duke- Docket No.
> 2014-302-E.doc
>
> *** This is an EXTERNAL email. Exercise caution. DO NOT open
> attachments or click links from unknown senders or unexpected email.
> *** Attached, please find my Hearing Examiner's directive holding the
> prefiling deadlines in abeyance and cancelling the hearing in the
> McNinch complaint matter. The Commission will consider the request to dismiss.
> Thanks to all.
> David Butler
> Hearing Examiner
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P.S. Find out why so many
Internet Marketer are changing
to Traffic Wave Autoresponder
from eweber,icontact,getresponse
ect.....
<http://www.trafficwave.net/members/autolistbuilder/pricing.html>